

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SCOTT D.H. REDMAN, individually and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	No. 13 C 3810
	)	
v.	)	Judge Ellis
	)	
CITY OF CHICAGO,	)	Magistrate Valdez
	)	
Defendant.	)	

**SUPPLEMENTAL DECLARATION OF PAUL F. MARKOFF**

Paul F. Markoff, being first duly sworn on oath, states that he has personal knowledge of the information contained in this declaration, and if called as witness, he could competently testify as follows:

1. I am one of the attorneys for Plaintiff Scott D.H. Redman ("Plaintiff"), and I present this affidavit in support of Plaintiff's *Petition for Attorneys' Fees and Costs* [DE 70] and *Plaintiff's Motion for Final Approval of Class Action Settlement*.

2. I incorporate herein by reference my *Declaration of Paul F. Markoff* ("Markoff Dec.") [DE 70-1], except as updated herein.

3. The amount of attorneys' fees and costs to be paid from the Settlement Fund was disclosed in the class notice, and *Plaintiffs' Petition for Attorneys' Fees and Costs*, including my prior declaration, has been available on the settlement website, [www.clerkcardsettlement.com](http://www.clerkcardsettlement.com), since June 30, 2015. The long form notice mailed to most Class Members and available on the settlement website advised Class Members that Class Counsel will seek attorneys' fees up to \$188,500 plus undetermined costs. An abbreviated notice to be published in the Chicago Tribune directed Class Members to [www.clerkcardsettlement.com](http://www.clerkcardsettlement.com) or a toll-free number for more information, each of which provided disclosure of the amount of attorneys' fees and costs sought.

4. Through August 31, 2015, in representation of Plaintiff in this case, the legal fees of Markoff Leinberger LLC amounted to \$272,625 for 499.9 hours of work. *See Exhibit 1* hereto, which is a true and accurate copy of my firm's time records in this case since filing the Fee Petition, which records were created contemporaneously with the time the work was performed.

5. Additionally, Markoff Leinberger LLC has incurred \$762.95 in costs (\$400 filing fee; \$218.75 court reporter fee; \$46.92 in UPS charges; \$56.16 messenger fees; and \$41.12 in witness fees). *See Markoff Dec.*, at Ex. 1; *see also* Ex. 1 hereto. I was able to recover all but \$41.12 in witness fees related to canceled depositions, which is reflected in the cost amount identified.

**Exhibit A**

Supplemental Declaration of Paul F. Markoff  
September 1, 2015  
Page 2

6. Prior to settling this case, I reviewed tens of thousands of pages of documents, reviewed electronic information and took a deposition, in addition to exchanging extensive information with opposing counsel informally.

7. Had this case proceeded with litigation, I would have sought additional documents and other information from Defendant and third parties. Additionally, I would have taken at least 10 depositions. However, the information I received from Defendant and third parties, including informally, through formal discovery exchanges, by subpoena and by deposition, was sufficient to allow me to engage in meaningful settlement negotiations and make informed recommendations to Plaintiff. I have a clear understanding of the factual and legal issues of this case and the strengths and weaknesses of the legal arguments and factual evidence available to each side.

8. Plaintiff has been instrumental in his role as Class Representative. He has reviewed pleadings and orders in the case (often at his request, rather than my insistence) and assisted in formulating discovery requests. He has responded to discovery requests. He has engaged me for status updates and made suggestions along the way as to strategy and settlement. He attended a settlement conference with Magistrate Valdez and separately with Defendant and its counsel.

9. Plaintiff analyzed potential settlement scenarios and litigation strategies involved with this case, because he understood his role acting on behalf of Class Members. He has also been a class representative in other FACTA litigation, so he is familiar with other settlements (his own and others) and courses of FACTA-related litigation.

Under penalties as provided by law pursuant to 28 U.S.C. § 1746, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

s/ Paul F. Markoff  
Paul F. Markoff

Dated: September 1, 2015

**Markoff Leinberger LLC**  
134 N LaSalle St Ste 1050  
Chicago, IL 60602



# Invoice

312.726.4162 (p)  
312.674.7272 (f)

**Invoice #:** 588  
**Invoice Date:** 8/31/2015  
**Due Date:** 8/31/2015  
**Account #:** 1036-18  
**Project:** City of Chicago

Scott D.H. Redman

FEIN	redacted
paul@markleinlaw.com	

Date	Description	Attorney/Rate	Hours/Qty	Amount
6/26/2015	Review of e-mail and attachments to judge (.1); review of court order (.1)	KGL 500	0.20	100.00
6/26/2015	Preparation for and attendance at court hearing re motion to amend preliminary approval (1.2); revise proposed order (.4); emails/attachments with CSA re amended preliminary approval, publication notice, status of notice in place (.5); review/redact time records for fee petition (2.2); further drafting, editing of fee brief, declaration (1.0)	PFM 550	5.30	2,915.00
6/29/2015	Review of e-mail from Paul Markoff regarding details of settlement for class member phone calls (.2)	KGL 500	0.20	100.00
6/29/2015	Handle phone calls from class action members	SLS 100	1.00	100.00
6/29/2015	Email to, meetings with, co-workers re outline of settlement in anticipation of class member calls (.5); Handle class member calls (1.0); finalize fee petition, declaration, exhibits, brief (3.2); email/attachments to CSA re settlement website docs, revisions (.3)	PFM 550	5.00	2,750.00
6/29/2015	Review of motion for attorney's fees (.1); review of memorandum in support of attorney's fees and exhibit thereto (1.2); phone call from potential class members (.1)	KGL 500	1.40	700.00
		<b>Total This Invoice</b>		
		<b>Job Balance Total</b>		

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Date	Description	Attorney/Rate	Hours/Qty	Amount
6/30/2015	Telephone conference with redacted		1.20	660.00
	(.4);			
	handle class member calls (.5);			
	emails/attachment from/to CSA re fee petition,			
	other settlement site docs (.3)			
6/30/2015	Phone calls from 5 class members (.5);	KGL 500	0.70	350.00
	drafting e-mail to Paul Markoff regarding			
	Spanish language (.1); conference call for			
	Spanish language class member (.1)			
7/1/2015	Handle class member calls, claims;	PFM 550	2.10	1,155.00
	emails/attachments with CSA re same,			
	updated notice issues (2.1)			
7/1/2015	Handle phone calls from class action members	SLS 100	1.00	100.00
7/2/2015	Phone call from class member (.1)	KGL 500	0.10	50.00
7/2/2015	Handle class member calls, process claim,	PFM 550	1.50	825.00
	exclusion (1.5)			
7/6/2015	Handle class member calls, process claim form	PFM 550	0.50	275.00
	(.5)			
7/6/2015	Handle calls from class members	SLS 100	0.50	50.00
7/7/2015	Handle class member calls (.3);	PFM 550	0.50	275.00
	emails/attachment to/from CSA re claims;			
	review summary (.2)			
7/8/2015	Handle calls from class members	SLS 100	0.50	50.00
7/8/2015	Review of claim form filed with court (.1)	KGL 500	0.10	50.00
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7/8/2015	Process claim forms; handle class member calls (.6)	PFM 550	0.60	330.00
7/9/2015	Handle class member calls (.5)	PFM 550	0.50	275.00
7/10/2015	Review of 2 claim forms filed with the court (.2)	KGL 500	0.20	100.00
7/10/2015	Handle class member calls; process claim forms (.6)	PFM 550	0.60	330.00
7/13/2015	Handle class member calls; emails re same (.4)	PFM 550	0.40	220.00
7/13/2015	Handle calls from class members	SLS 100	0.50	50.00
7/14/2015	Handle class member calls, process claims; review current CSA data; emails from/to opposing counsel re fee petition (.7)	PFM 550	0.70	385.00
7/15/2015	Handle class member calls (.5)	PFM 550	0.50	275.00
7/16/2015	Handle class member calls (.3)	PFM 550	0.30	165.00
7/17/2015	Handle class member calls, process claim forms (.4)	PFM 550	0.40	220.00
7/20/2015	Handle class member calls; telephone conference with CSA (Carrie) re ZIP code discrepancy (.8)	PFM 550	0.80	440.00
7/21/2015	Handle class member calls (.5); telephone conference with CSA (Carrie) re ZIP codes (.2)	PFM 550	0.70	385.00
7/22/2015	Handle class member call, process claim form (.3)	PFM 550	0.30	165.00
7/23/2015	Telephone conference with CSA (Carrie) re mailings, claims update (.2)	PFM 550	0.20	110.00
7/24/2015	Emails/attachments, telephone conferences with CSA, opposing counsel re claims, opt-outs (.5); handle class member calls (.4)	PFM 550	0.90	495.00
7/27/2015	Review email/attachment from CSA re opt-outs (.1); handle class member calls (.5)	PFM 550	0.60	330.00
7/28/2015	Handle class member call (.1)	PFM 550	0.10	55.00
7/31/2015	Handle class member calls (.2); process claim forms (.2)	PFM 550	0.40	220.00
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8/4/2015	Handle class member call (.1); review CSA update (.1)	PFM 550	0.20	110.00
8/6/2015	Emails from/to CSA re process (.2)	PFM 550	0.20	110.00
8/11/2015	Handle class member calls (.2)	PFM 550	0.20	110.00
8/17/2015	Review CSA update (.1)	PFM 550	0.10	55.00
8/19/2015	Emails/attachments re CSA deficiency notices to claimants (.5)	PFM 550	0.50	275.00
8/20/2015	Email to CSA re claim verification letters (.1)	PFM 550	0.10	55.00
8/21/2015	Emails/attachments with CSA re deficiency notices (.3); review correspondence from potential class member (.1)	PFM 550	0.40	220.00
8/26/2015	Process class member correspondence (.3)	PFM 550	0.30	165.00
8/31/2015	Emails/attachment to/from CSA re affidavit, billing (.3); legal research re and draft brief supporting motion for final approval; review records re and draft declaration (5.2)	PFM 550	5.50	3,025.00
		Reimb Group		
7/10/2014	Witness Fee-30(b)(6) deposition			0.00
10/7/2014	Witness Fee			41.12
1/13/2015	Deposition Witness Fee			0.00
1/13/2015	Deposition Witness Fee			0.00
1/13/2015	Deposition Witness Fee			0.00
1/13/2015	Deposition Witness Fee			0.00
1/13/2015	Deposition Witness Fee			0.00
1/13/2015	Deposition Witness Fee			0.00
7/17/2015	UPS			46.92
	Total Reimbursable Expenses			88.04
		<b>Total This Invoice</b>		<b>\$19,268.04</b>
		<b>Job Balance Total</b>		<b>\$273,480.45</b>